

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

RECEIVED

DEC 4 2005

Case No. 5522

Date Filed 12/8/05

Hearing Date \_\_\_\_\_

Receipt \_\_\_\_\_

Fee 50.00

Shaded Areas for Office Use Only

**Type of Application**

- \_\_\_\_ Administrative Decision/Interpretation  
\_\_\_\_ Special Exception  
\_\_\_\_ Use Variance  
\_\_\_\_ Change/Extension of Non-Conforming Use  
\_\_\_\_ Minor Area Variance  
\_\_\_\_ Area Variance  
\_\_\_\_ Variance from Requirements of the Code  
\_\_\_\_ Zoning Map/Drafting Correction  
\_\_\_\_

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5522 MAP 64 TYPE Variance

ELECTION DISTRICT 01 LOCATION 313 Joppa Crossing Way, Joppa 21085

BY Milton Gholston and Jean Watson-Gholston

Appealed because a variance pursuant to Sec. 267-36(B) Table VI of the Harford  
County Code to permit an addition to encroach the 35' rear yard setback (31' setback  
proposed) in the R3 District, requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Owner (please print or type)**

Name Milton Gholston Jr. Phone Number 410-538-6320  
Address 313 Joppa Crossing Way Joppa MD 21085  
Street Number Street City State Zip Code

Co-Applicant JEAN S. WATSON-GHOLSTON Phone Number 410-538-6320  
Address 313 Joppa Crossing Way Joppa MD 21085  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property 313 Joppa Crossing Way Joppa, MD  
21085

Subdivision \_\_\_\_\_

Lot Number 00104

Acreage/Lot Size 6751 SF Election District 1

Zoning R3

Tax Map No. 0064 Grid No. 0003F Parcel 0162 Water/Sewer: Private \_\_\_\_\_ Public ☒

List ALL structures on property and current use: House

Estimated time required to present case: 90 Days

If this Appeal is in reference to a Building Permit, state number 2005278 B0100

Would approval of this petition violate the covenants and restrictions for your property? Yes

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No ☒

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No ☒

## Request

Request for variance on property, so I may build a sunroom.  
We currently have a permit for building a screened in porch which  
is 17' in width x 16' foot length coming out from the house. What we are  
requesting is to install windows in the structure instead of the screens.

## Justification

I already have a permit for a screened in porch 17' in width x  
16' in length coming from my house.

My house sits 5 feet back from the other houses in the neighborhood.  
If the house was sitting even with the other houses, it would be in  
compliance with my variance.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

## Justification

I am only 3 Feet pass my Variance for a Sunroom, but it is okay to have a screened in porch. I am currently 31' off of my property line, to be in compliance I need to be 34 Feet.

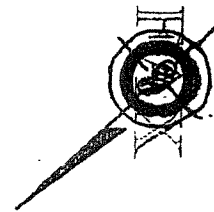
I am only asking for a variance to install windows instead of screens, in my existing openings.

Please see aerial photograph and my diagram. The Neighborhood Association approved my Sunroom addition.

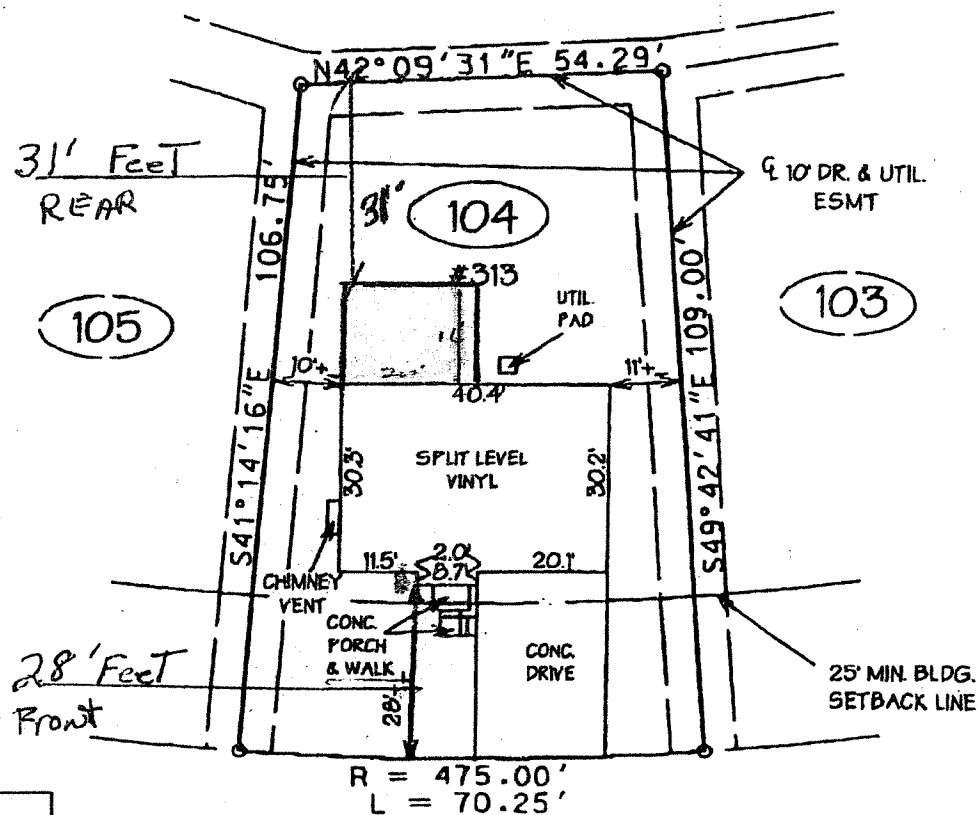
Thank you for taking the time to Review our Request.

Owners:

Jean S. Watson-Gholston  
Milton Gholston



NOTE: Lot 104 shown hereon does not lie within any 100 year Flood Boundary, shown on National Flood Insurance Program, Flood Insurance Rate Map for Harford County, Maryland Community Panel Number 240040-0141-A, and/or 240040-0142-A effective date March 2, 1983, but does lie within Zone C (area of minimal flooding) shown on said map.



JOPPA CROSSING WAY  
(50' R/W)



THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH STATE OF MARYLAND BOARD FOR PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. IT IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THIS LOCATION DRAWING IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS AND THAT THEY ARE LOCATED AS SHOWN HEREON; AND THAT THE DIMENSIONS SHOWN HEREON ARE WITHIN A TOLERANCE OF ONE FOOT. THIS SURVEY IS VOID UNLESS ORIGINAL SEAL, SIGNATURE, AND DATE ARE AFFIXED HEREON.

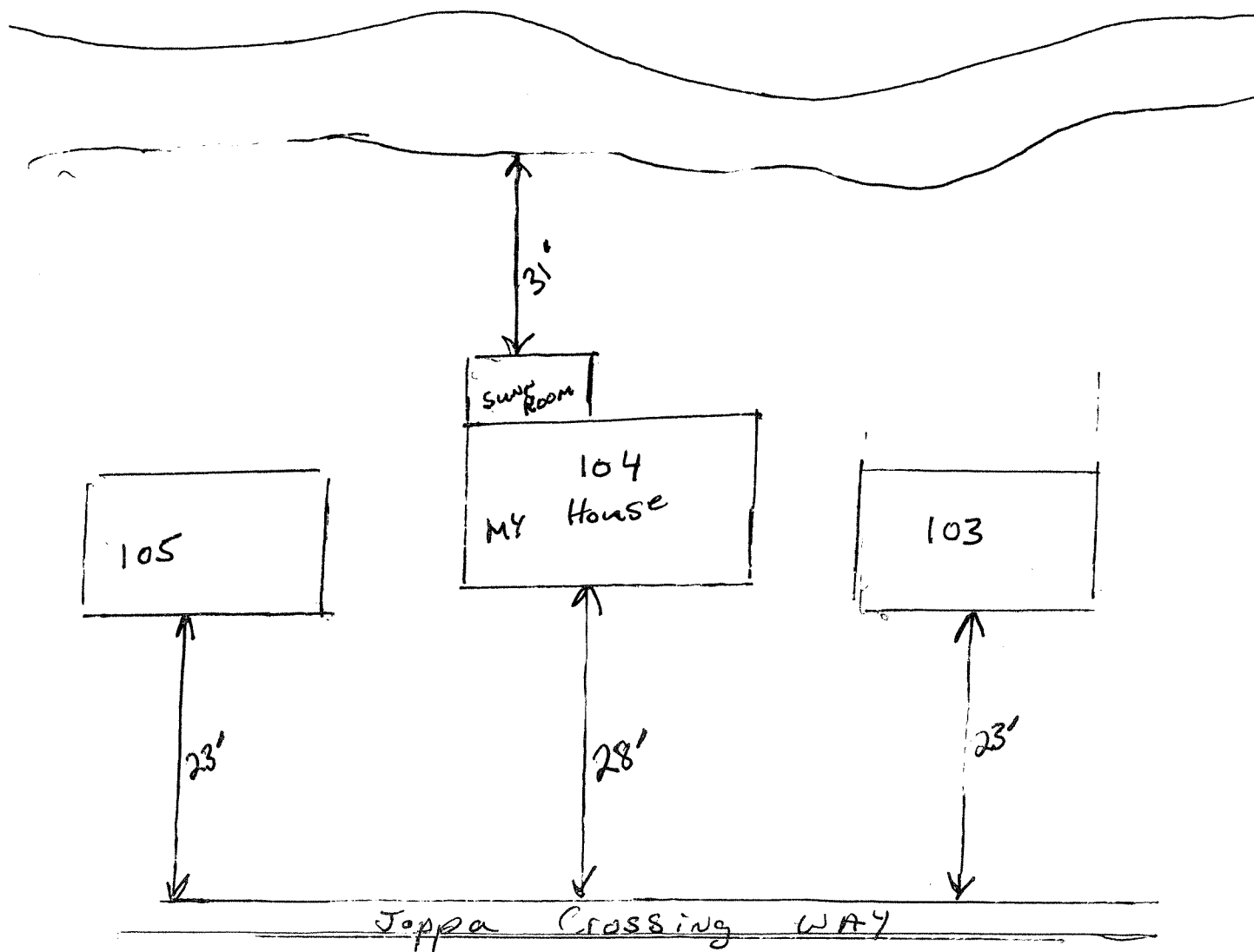
GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.  
(410) 879-1500

*Walter H. Noyes*  
ASSOCIATE  
REG. NO. 20003 DATE 12/21/99

BEING KNOWN AND DESIGNATED AS LOT 104 AS SHOWN ON PLAT ENTITLED "FINAL PLAT EIGHT, JOPPA CROSSING" AS RECORDED IN PLAT BOOK C.G.H. 79-70.

#313 JOPPA CROSSING WAY  
JOPPA CROSSING

HARFORD CO., MD ELECT. DIST. NO. 1  
SCALE: 1" = 30' DATE: 12-21-99



IF MY House was built even with the other houses on each side I would not have to request a variance.

# Aerial Photograph with topograph



SAME  
Type  
add: it, in  
of

DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

January 30, 2006

### STAFF REPORT

#### **BOARD OF APPEALS CASE NO. 5522**

APPLICANT/OWNER: Milton Gholston Jr.  
313 Joppa Crossing Way, Joppa, Maryland 21085

Co-APPLICANT: Jean S. Watson-Gholston  
313 Joppa Crossing Way, Joppa, Maryland 21085

REPRESENTATIVE: Applicants

LOCATION: 313 Joppa Crossing Way-Joppa Crossings  
Tax Map: 64 / Grid: 3F / Parcel: 0162 / Lot: 104  
Election District: First (1)

ACREAGE: 6,751 square feet

ZONING: R3/Urban Residential District

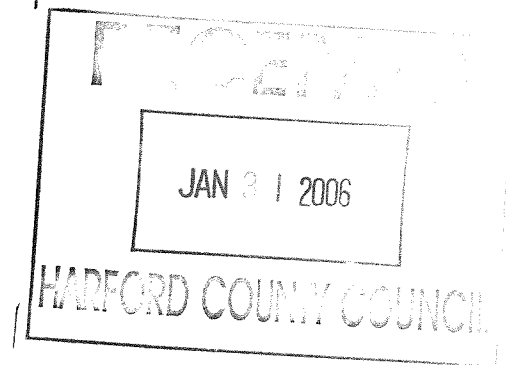
DATE FILED: December 8, 2005

HEARING DATE: February 22, 2006

#### **APPLICANT'S REQUEST and JUSTIFICATION:**

##### Request:

"Request for variance on property, so I may build a sunroom. We currently have a permit for building a screened in porch which is 17' in width by 16' foot length coming out from the house. What we are requesting is to install windows in the structure instead of the screens."



*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

Board of Appeals Case Number 5522

Milton Gholston Jr. and Jean Watson-Gholston

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### Justification:

"I already have a permit for a screened in porch 17' in width by 16' in length coming from my house. My house sits 5 feet back from the other houses in the neighborhood. If the house was sitting even with the other houses, it would be in compliance with my variance.

I am only 4 feet pass my variance for a sunroom but it is okay to have a screened in porch. I am currently 31' off of my property line, to be in compliance I need to be 35 feet.

I am only asking for a variance to install windows instead of screens, in my existing openings.

Please see aerial photograph and my diagram. The Neighborhood Association approved my sunroom addition."

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-36(B) Table VI of the Harford County Code to permit an addition to encroach the 35-foot rear yard setback (31-foot proposed) in the R3/Urban Residential District.

Enclosed with the report is a copy of Section 267-36(B) Table VI of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The Applicant's property is located in the southwest area of the County in the community of Joppatowne. The subject lot is part of the Joppa Crossing subdivision and is situated on the south side of Joppa Crossing Way, east of Enfield Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations are Low, Medium and High Intensities along with Industrial/Employment. The Natural Features Map reflects Parks, Chesapeake Bay Critical Area, Sensitive Species Project Review Areas, and Habitats of Local Significance. The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

*Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*



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Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master plan. The primary land uses in the area range from residential to commercial. Residential uses include single family homes, townhouses, garden apartments and condominiums. Commercial uses include single retail establishments, shopping centers, automotive uses, restaurants, along with professional and personal uses. The topography of the area ranges from rolling to steep. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 6 and 7).

The Applicant's lot is a typical rectangular shaped lot approximately 6,751 square feet in size and fronts on the south side of Joppa Crossing way. The lot slopes up gently from the road to the front of the house, leveling off around the house and then slopes down sharply to the lot to the rear. Improvements consist of a frame 2-story dwelling with an attached 2-car garage, double wide concrete driveway, deck on rear of dwelling from second level and a room addition that is almost complete (subject of this case). There are no permits for the room currently under construction. The Department of Planning and Zoning met with the Applicant on November 9<sup>th</sup> of 2005 for a pre-application prior to filing the Board of Appeals Application. The dwelling is new and the landscaping is immature. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B2/Community and B3/General Business Districts. Along Pulaski Highway (Route 40) commercial zoning is primarily B3/General Business and CI/Commercial Industrial Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

### **SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-36(B) Table VI of the Harford County Code to permit an addition to encroach the 35-foot rear yard setback (31-foot proposed) in the R3/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

STAFF REPORT

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The Applicants have requested approval to construct a glass sunroom in place of a screened porch. The Department located a permit for the deck but not for a screened enclosure (see building permit - Attachment 11). On the day of inspection (January 6, 2006) it was discovered that what the Applicants have constructed a full time year round room on the deck. The room is almost complete except for a few pieces of siding. The inside appears to be complete and even has blinds in the windows. The Applicant has posted in the window the permit for the deck.


The Applicants were told at the pre-application meeting that they could build a screened porch without requiring a variance. They were also told that to construct a sunroom or year round room they would need to meet the rear yard setbacks for the dwelling. It was also explained that they would need to show that their lot was unique compared to other lots in the neighborhood in order for the Board to approve a variance. A similar request (Case #5501) was reviewed with the applicants during the meeting (Attachment 12).

The Department finds that the subject property is not unique compared to other lots in the neighborhood. Although the lot slopes significantly to the rear, many of the other lots contain similar slopes. The Code states that the Applicants can only seek the minimum relief necessary. The applicants could build a smaller room addition or a screened porch without requesting Board of Appeals approval.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be denied.

  
Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

  
Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf